

HOUSE No. 4895

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 8, 2026.

The committee on Financial Services, to whom was referred the petition (accompanied by bill, House, No. 1131) of Marjorie C. Decker, Samantha Montañó and Natalie M. Higgins relative to expanding access to coverage for certain mental health services, reports recommending that the accompanying bill (House, No. 4895) ought to pass.

For the committee,

JAMES M. MURPHY.

HOUSE No. 4895

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act expanding access to mental health services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 17S of chapter 32A of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking subsection (b) and inserting in place thereof the
3 following subsection:-

4 (b) The commission shall provide to any active or retired employee of the
5 commonwealth who is insured under the group insurance commission coverage for medically
6 necessary mental health services within an inpatient psychiatric facility, a community health
7 center, a community behavioral health center, a community mental health center, an outpatient
8 substance use disorder provider, a hospital outpatient department, a community-based acute
9 treatment an intensive community-based acute treatment, crisis stabilization services, and youth
10 crisis stabilization services, and shall not require a preauthorization before obtaining treatment;
11 provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of
12 the admission and the initial treatment plan within three business days of admission; and
13 provided further that services administered prior to notification must be covered. Notification
14 shall be limited to patient’s name, facility name, time of admission, diagnosis, and initial

15 treatment plan. Medical necessity shall be determined by the treating clinician in consultation
16 with the patient and noted in the member's medical record.

17 SECTION 2. Section 25C ½ of chapter 111 of the General Laws, as so appearing, is
18 hereby amended by inserting after subsection (a)(4) the following subsection:-

19 (5) A health facility if the facility plans to make a capital expenditure for the
20 development of acute psychiatric services including, inpatient, community based acute treatment,
21 intensive community based acute treatment, partial hospitalization program, and crisis
22 stabilization services; provided that the health facility demonstrates the need for a license from
23 the department of mental health pursuant to paragraph c of section 19 of chapter 19 of the
24 general laws, as so appearing.

25 SECTION 3. Section 51 ½ of Chapter 111 of the General Laws, as appearing in the 2022
26 Official Edition, is hereby amended by striking out the definition of "licensed mental health
27 professional" and inserting in place thereof the following:-

28 "Licensed mental health professional", a: (i) licensed physician who specializes in the
29 practice of psychiatry or addiction medicine; (ii) licensed psychologist; (iii) licensed independent
30 clinical social worker; (iv) licensed certified social worker; (v) licensed mental health counselor;
31 (vi) licensed supervised mental health counselor; (vii) licensed physician assistant who practices
32 in the field of psychiatry or addiction medicine; (viii) licensed psychiatric clinical nurse
33 specialist; (ix) licensed psychiatric mental health nurse practitioner; (x) certified addictions
34 registered nurse; (xi) licensed alcohol and drug counselor I as defined in section 1 of chapter
35 111J;(xii) healthcare provider, as defined in section 1, qualified within the scope of the
36 individual's license to perform substance use disorder evaluations, including an intern, resident

37 or fellow pursuant to the policies and practices of the hospital and medical staff; (xiv) other
38 licensed master’s level mental health clinician, including but not limited to licensed alcohol and
39 drug counselor and licensed marriage and family therapist; or (xv) individuals with a master’s
40 degree in a clinical behavioral health practice pursuing licensure post master’s under the
41 supervision of an appropriately licensed and credentialed clinician.

42 SECTION 4. Section 51 ³/₄ of Chapter 111 of the General Laws, as so appearing, is
43 hereby amended by striking out the second sentence and replacing it with the following sentence:

44 The regulations shall define “licensed mental health professional”, which shall include,
45 but not be limited to, a: (i) licensed physician who specializes in the practice of psychiatry or
46 addiction medicine; (ii) licensed psychologist; (iii) licensed independent clinical social worker;
47 (iv) licensed certified social worker; (v) licensed mental health counselor; (vi) licensed
48 supervised mental health counselor; (vii) licensed physician assistant who practices in the field
49 of psychiatry; (viii) licensed psychiatric clinical nurse specialist; (ix) licensed psychiatric mental
50 health nurse practitioner; (x) healthcare provider, as defined in section 1, qualified within the
51 scope of the individual's license to conduct an evaluation of a mental health condition, including
52 an intern, resident or fellow pursuant to the policies and practices of the hospital and medical
53 staff; (xi) other licensed master’s level mental health clinician, including but not limited to
54 licensed alcohol and drug counselor and licensed marriage and family therapist; or (xii)
55 individuals with a master’s degree in a clinical behavioral health practice pursuing licensure post
56 master’s under the supervision of an appropriately licensed and credentialed clinician.

57 SECTION 5. Section 10O of chapter 118E of the General Laws, as appearing in the 2022
58 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
59 thereof the following new paragraph:-

60 The division and its contracted health insurers, health plans, health maintenance
61 organizations, behavioral health management firms and third-party administrators under contract
62 to a Medicaid managed care organization or primary care clinician plan shall cover the cost of
63 medically necessary mental health services within an inpatient psychiatric facility, a community
64 health center, a community behavioral health center, a community mental health center, an
65 outpatient substance use disorder provider, a hospital outpatient department, a community-based
66 acute treatment an intensive community-based acute treatment, crisis stabilization services, and
67 youth crisis stabilization services, and shall not require a preauthorization before obtaining
68 treatment; provided, however, that if a patient is admitted to a facility, the facility shall notify the
69 carrier of the admission and the initial treatment plan within three business days of admission;
70 provided further that notification shall be limited to patient's name, facility name, time of
71 admission, diagnosis, and initial treatment plan; and provided further that services administered
72 prior to notification must be covered. Medical necessity shall be determined by the treating
73 clinician in consultation with the patient and noted in the member's medical record.

74 SECTION 6. Chapter 123 of the General Laws, as so appearing, is hereby amended by
75 striking out section 12, and inserting in place thereof the following section:-

76 Section 12. (a) A physician who is licensed pursuant to section 2 of chapter 112, an
77 advanced practice registered nurse authorized to practice as such under regulations promulgated
78 pursuant to section 80B of said chapter 112, a qualified psychologist licensed pursuant to

79 sections 118 to 129, inclusive, of said chapter 112 or a licensed independent clinical social
80 worker licensed pursuant to sections 130 to 137, inclusive, of said chapter 112 or a qualified
81 physician assistant licensed pursuant to section 9(e) of chapter 112, who, after examining a
82 person, has reason to believe that failure to hospitalize such person would create a likelihood of
83 serious harm by reason of mental illness may restrain or authorize the restraint of such person
84 and apply for the hospitalization of such person for a 3-day period at a public facility or at a
85 private facility authorized for such purposes by the department. If an examination is not possible
86 because of the emergency nature of the case and because of the refusal of the person to consent
87 to such examination, the physician, qualified psychologist, qualified advanced practice registered
88 nurse, qualified physician assistant, or licensed independent clinical social worker on the basis of
89 the facts and circumstances may determine that hospitalization is necessary and may therefore
90 apply. In an emergency situation, if a physician, qualified psychologist, qualified advanced
91 practice registered nurse, qualified physician assistant or licensed independent clinical social
92 worker is not available, a police officer who believes that failure to hospitalize a person would
93 create a likelihood of serious harm by reason of mental illness may restrain such person and
94 apply for the hospitalization of such person for a 3-day period at a public facility or a private
95 facility authorized for such purpose by the department. An application for hospitalization shall
96 state the reasons for the restraint of such person and any other relevant information that may
97 assist the admitting physician or qualified advanced practice registered nurse or qualified
98 physician assistant. Whenever practicable, prior to transporting such person, the applicant shall
99 telephone or otherwise communicate with a facility to describe the circumstances and known
100 clinical history and to determine whether the facility is the proper facility to receive such person

101 and to give notice of any restraint to be used and to determine whether such restraint is
102 necessary.

103 (b) Only if the application for hospitalization under this section is made by a physician, a
104 qualified advanced practice registered nurse or qualified physician assistant specifically
105 designated to have the authority to admit to a facility in accordance with the regulations of the
106 department, shall such person be admitted to the facility immediately after reception. If the
107 application is made by someone other than a designated physician, a qualified advanced practice
108 registered nurse, or a qualified physician assistant such person shall be given a psychiatric
109 examination by a designated physician, a qualified advanced practice registered nurse or
110 qualified physician assistant immediately after reception at such facility. If the physician,
111 qualified advanced practice registered nurse, or qualified physician assistant determines that
112 failure to hospitalize such person would create a likelihood of serious harm by reason of mental
113 illness, the physician or qualified advanced practice registered nurse or qualified physician
114 assistant may admit such person to the facility for care and treatment. Upon admission of a
115 person under this subsection, the facility shall inform the person that it shall, upon such person's
116 request, notify the committee for public counsel services of the name and location of the person
117 admitted. The committee for public counsel services shall immediately appoint an attorney who
118 shall meet with the person. If the appointed attorney determines that the person voluntarily and
119 knowingly waives the right to be represented, is presently represented or will be represented by
120 another attorney, the appointed attorney shall so notify the committee for public counsel
121 services, which shall withdraw the appointment.

122 Any person admitted under this subsection who has reason to believe that such admission
123 is the result of an abuse or misuse of this subsection may request or request through counsel an

124 emergency hearing in the district court in whose jurisdiction the facility is located and unless a
125 delay is requested by the person or through counsel, the district court shall hold such hearing on
126 the day the request is filed with the court or not later than the next business day.

127 (c) No person shall be admitted to a facility under this section unless the person, or the
128 person's parent or legal guardian on the person's behalf, is given an opportunity to apply for
129 voluntary admission under paragraph (a) of section 10 and unless the person, or the person's
130 parent or legal guardian, has been informed that: (i) the person has a right to such voluntary
131 admission; and (ii) the period of hospitalization under this section cannot exceed 3 days. At any
132 time during such period of hospitalization, the superintendent may discharge such person if the
133 superintendent determines that such person is not in need of care and treatment.

134 (d) A person shall be discharged at the end of the 3-day period unless the superintendent
135 applies for a commitment under sections 7 and 8 or the person remains on a voluntary status.

136 (e) Any person may make an application to a district court justice or a justice of the
137 juvenile court department for a 3-day commitment to a facility of a person with a mental illness
138 if the failure to confine said person would cause a likelihood of serious harm. The court shall
139 appoint counsel to represent said person. After hearing such evidence as the court may consider
140 sufficient, a district court justice or a justice of the juvenile court department may issue a warrant
141 for the apprehension and appearance before the court of the alleged person with a mental illness
142 if in the court's judgment the condition or conduct of such person makes such action necessary
143 or proper. Following apprehension, the court shall have the person examined by a physician, a
144 qualified advanced practice registered nurse or a qualified physician assistant designated to have
145 the authority to admit to a facility or examined by a qualified psychologist in accordance with the

146 regulations of the department. If the physician, qualified advanced practice registered nurse,
147 qualified physician assistant or qualified psychologist reports that the failure to hospitalize the
148 person would create a likelihood of serious harm by reason of mental illness, the court may order
149 the person committed to a facility for a period not to exceed 3 days; provided, however, that the
150 superintendent may discharge said person at any time within the 3-day period. The periods of
151 time prescribed or allowed under this section shall be computed pursuant to Rule 6 of the
152 Massachusetts Rules of Civil Procedure.

153 SECTION 7. Said chapter 123 of the General Laws, as appearing in the 2022 Official
154 Edition, is hereby further amended by striking out section 21, and inserting in place thereof the
155 following section:-

156 Section 21. Any person who transports a person with a mental illness to or from a facility
157 for any purpose authorized under this chapter shall not use any restraint that is unnecessary for
158 the safety of the person being transported or other persons likely to come in contact with the
159 person.

160 In the case of persons being hospitalized under section 6, the applicant shall authorize
161 practicable and safe means of transport including, where appropriate, departmental or police
162 transport.

163 Restraint of a person with a mental illness may only be used in cases of emergency, such
164 as the occurrence of, or serious threat of, extreme violence, personal injury or attempted suicide;
165 provided, however, that written authorization for such restraint is given by the superintendent or
166 director of the facility or by a physician, or by a qualified advanced practice registered nurse or
167 qualified physician assistant designated by the superintendent or director for this purpose who is

168 present at the time of the emergency or if the superintendent, director, designated physician,
169 designated qualified advanced practice registered nurse or designated qualified physician
170 assistant is not present at the time of the emergency, non-chemical means of restraint may be
171 used for a period of not more than 1 hour; provided further, that within 1 hour the person in
172 restraint shall be examined by the superintendent, director, designated physician, designated
173 qualified advanced practice registered nurse, or designated qualified physician assistant,; and
174 provided further, that if the examination has not occurred within 1 hour, the patient may be
175 restrained for an additional period of not more than 1 hour until such examination is conducted
176 and the superintendent, director, designated physician, designated qualified advanced practice
177 registered nurse, or designated qualified physician assistant shall attach to the restraint form a
178 written report as to why the examination was not completed by the end of the first hour of
179 restraint.

180 Any minor placed in restraint shall be examined within 15 minutes of the order for
181 restraint by a physician, qualified advanced practice registered nurse, or qualified physician
182 assistant, or, if a physician, qualified advanced practice registered nurse or qualified physician
183 assistant is not available, by a registered nurse; provided, however, that said minor shall be
184 examined by a physician, qualified advanced practice registered nurse or qualified physician
185 assistant within 1 hour of the order for restraint. A physician, qualified advanced practice
186 registered nurse or qualified physician assistant, or, if a physician, qualified advanced practice
187 registered nurse or qualified physician assistant are not available, a registered nurse shall review
188 the restraint order by personal examination of the minor or consultation with ward staff attending
189 the minor every hour thereafter.

190 No minor shall be secluded for more than 2 hours in any 24-hour period; provided,
191 however, that no such seclusion of a minor may occur except in a facility with authority to use
192 such seclusion after said facility has been inspected and specially certified by the department.
193 The department shall issue regulations establishing procedures by which a facility may be
194 specially certified with authority to seclude a minor. Such regulations shall provide for review
195 and approval or disapproval by the commissioner of a biannual application by the facility, which
196 shall include: (i) a comprehensive statement of the facility's policies and procedures for the
197 utilization and monitoring of restraint of minors including a statistical analysis of the facility's
198 actual use of such restraint; and (ii) a certification by the facility of its ability and intent to
199 comply with all applicable statutes and regulations regarding physical space, staff training, staff
200 authorization, record keeping, monitoring and other requirements for the use of restraints.

201 Any use of restraint on a minor exceeding 1 hour in any 24-hour period shall be reviewed
202 within 2 working days by the director of the facility. The director shall forward a copy of the
203 report on each such instance of restraint to the human rights committee of that facility and, if
204 there is no human rights committee, to the appropriate body designated by the commissioner of
205 mental health. The director shall also compile a record of every instance of restraint in the
206 facility and shall forward a copy of said report on a monthly basis to the human rights committee
207 or the body designated by the commissioner of mental health.

208 No order for restraint for an individual shall be valid for a period of more than 3 hours
209 beyond which time it may be renewed upon personal examination by the superintendent,
210 director, designated physician, designated qualified advanced practice registered nurse, or
211 qualified physician assistant or, for adults, by a registered nurse; provided, however, that no adult
212 shall be restrained for more than 6 hours beyond which time an order may be renewed only upon

213 personal examination by a physician, qualified advanced practice registered nurse or qualified
214 physician assistant. The reason for the original use of restraint, the reason for its continuation
215 after each renewal and the reason for its cessation shall be noted upon the restraining form by the
216 superintendent, director, designated physician, qualified physician assistant, or, when applicable,
217 by the registered nurse, certified physician, qualified advanced practice registered nurse assistant
218 at the time of each occurrence.

219 When a designated physician, qualified advanced practice registered nurse, or qualified
220 physician assistant is not present at the time and site of the emergency, an order for chemical
221 restraint may be issued by a designated physician, qualified advanced practice registered nurse,
222 or qualified physician assistant who has determined, after telephone consultation with a
223 physician, qualified advanced practice registered nurse, registered nurse, or qualified physician
224 assistant, who is present at the time and site of the emergency and who has personally examined
225 the patient, that such chemical restraint is the least restrictive, most appropriate alternative
226 available; provided, however, that the medication so ordered has been previously authorized as
227 part of the individual's current treatment plan.

228 No person shall be kept in restraint without a person in attendance specially trained to
229 understand, assist and afford therapy to the person in restraint. The person may be in attendance
230 immediately outside the room in full view of the patient when an individual is being secluded
231 without mechanical restraint; provided, however, that in emergency situations when a person
232 specially trained is not available, an adult may be kept in restraint unattended for a period not to
233 exceed 2 hours. In that event, the person kept in restraints shall be observed at least every 5
234 minutes; provided, further, that the superintendent, director, designated physician, designated
235 qualified advanced practice registered nurse or designated physician assistant shall attach to the

236 restraint form a written report as to why the specially trained attendant was not available. The
237 maintenance of any adult in restraint for more than 8 hours in any 24-hour period shall be
238 authorized by the superintendent or director or the person specifically designated to act in the
239 absence of the superintendent or director; provided, however, that when such restraint is
240 authorized in the absence of the superintendent or director, such authorization shall be reviewed
241 by the superintendent or director upon the return of the superintendent or director.

242 No "P.R.N." or "as required" authorization of restraint may be written. No restraint is
243 authorized except as specified in this section in any public or private facility for the care and
244 treatment of mentally ill persons including Bridgewater state hospital.

245 Not later than 24 hours after the period of restraint, a copy of the restraint form shall be
246 delivered to the person who was in restraint. A place shall be provided on the form or on
247 attachments thereto for the person to comment on the circumstances leading to the use of
248 restraint and on the manner of restraint used.

249 A copy of the restraint form and any such attachments shall become part of the chart of
250 the patient. Copies of all restraint forms and attachments shall be sent to the commissioner of
251 mental health, or, with respect to Bridgewater state hospital to the commissioner of correction,
252 who shall review and sign them within 30 days and statistical records shall be kept thereof for
253 each facility, including Bridgewater state hospital, and each designated physician, qualified
254 advanced practice registered nurse or qualified physician assistant. Furthermore, such reports,
255 excluding personally identifiable patient identification, shall be made available to the general
256 public at the department's central office, or, with respect to Bridgewater state hospital at the
257 department of correction's central office.

258 Responsibility and liability for the implementation of this section shall rest with the
259 department, the superintendent or director of each facility or the physician, qualified advanced
260 practice registered nurse or qualified physician assistant designated by such superintendent or
261 director for this purpose.

262 SECTION 8. Said chapter 123 of the General Laws as so appearing, is hereby further
263 amended by striking out section 22, and inserting in place thereof the following section:-

264 Section 22. Physicians, qualified advanced practice registered nurses, qualified physician
265 assistant, qualified psychologists, qualified psychiatric nurse mental health clinical specialists,
266 police officers and licensed independent clinical social workers shall be immune from civil suits
267 for damages for restraining, transporting, applying for the admission of or admitting any person
268 to a facility or Bridgewater state hospital if the physician, qualified advanced practice registered
269 nurse, or qualified physician assistant, qualified psychologist, qualified psychiatric nurse mental
270 health clinical specialist, police officer or licensed independent clinical social workers acts in
271 accordance with this chapter.”

272 SECTION 9. Section 2 of chapter 111O of the General Laws, as appearing in the 2022
273 Official Edition, is hereby amended by adding the following subsection:-

274 (c) MIH programs that are focused on behavioral health services shall not be subject to
275 application and registration fees.

276 SECTION 10. Section 1 of chapter 175 of the General Laws, as so appearing, is hereby
277 amended by striking out the definition for “Emergency services programs” and inserting in its
278 place thereof the following definition:-

279 “Emergency services programs”, all programs subject to contract between the
280 Massachusetts Behavioral Health Partnership and provider organizations for the provision of
281 acute care hospital and community-based emergency behavioral health services, including, but
282 not limited to, behavioral health crisis assessment, intervention and stabilization services 24
283 hours per day, 7 days per week, through: (i) mobile crisis intervention services for youth; (ii)
284 mobile crisis intervention services for adults; (iii) emergency service provider community-based
285 locations; (iv) emergency departments of acute care hospitals or satellite emergency facilities;
286 (v) adult community crisis stabilization services; and (vi) youth community crisis stabilization
287 services.

288 SECTION 11. Section 47B of chapter 175 of the General Laws, as appearing in the 2022
289 Official Edition, is hereby amended by striking out the second paragraph of subsection (i) and
290 inserting in place thereof the following paragraph:-

291 For the purposes of this section, "licensed mental health professional" shall mean a
292 licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed
293 psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a
294 licensed nurse mental health clinical specialist; a licensed physician assistant who practices in
295 the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse
296 practitioner, other licensed master’s level mental health clinician including but not limited to a
297 licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed
298 marriage and family therapist within the lawful scope of practice for such therapist; or a clinician
299 practicing under the supervision of a licensed professional, and working towards licensure, in a
300 clinic or hospital licensed under chapter 111.

301 SECTION 12. Section 47SS of chapter 175 of the General Laws, as so appearing, is
302 hereby amended by striking subsection (b) and inserting in place thereof the following
303 subsection:-

304 (b) A policy, contract, agreement, plan or certificate of insurance issued, delivered or
305 renewed within or without the commonwealth, which is considered creditable coverage under
306 section 1 of chapter 111M, shall provide coverage for medically necessary mental health
307 services within an inpatient psychiatric facility, a community health center, a community
308 behavioral health center, a community mental health center, an outpatient substance use disorder
309 provider, a hospital outpatient department, a community-based acute treatment, an intensive
310 community-based acute treatment, crisis stabilization services, and youth crisis stabilization
311 services, and shall not require a preauthorization before the administration of such treatment;
312 provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of
313 the admission and the initial treatment plan within three business days of admission; and
314 provided further that services administered prior to notification must be covered. Notification
315 shall be limited to patient's name, facility name, time of admission, diagnosis, and initial
316 treatment plan. Medical necessity shall be determined by the treating clinician in consultation
317 with the patient and noted in the member's medical record.

318 SECTION 13. Section 8A of chapter 176A of the General Laws, as appearing in the 2022
319 Official Edition, is hereby amended by striking out the second paragraph of subsection (i) and
320 inserting in place thereof the following paragraph:-

321 For the purposes of this section, "licensed mental health professional" shall mean a
322 licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed

323 psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a
324 licensed nurse mental health clinical specialist; a licensed physician assistant who practices in
325 the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse
326 practitioner, other licensed master's level mental health clinician including but not limited to a
327 licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed
328 marriage and family therapist within the lawful scope of practice for such therapist; or a clinician
329 practicing under the supervision of a licensed professional, and working towards licensure, in a
330 clinic or hospital licensed under chapter 111.

331 SECTION 14. Section 8SS of chapter 176A of the General Laws, as so appearing, is
332 hereby amended by striking subsection (b) and inserting in place thereof the following
333 subsection:-

334 (b) A contract between a subscriber and the corporation under an individual or group
335 hospital service plan that is delivered, issued or renewed within the commonwealth shall provide
336 coverage for medically necessary mental health services within an inpatient psychiatric facility, a
337 community health center, a community behavioral health center, a community mental health
338 center, an outpatient substance use disorder provider, a hospital outpatient department, a
339 community-based acute treatment, an intensive community-based acute treatment, crisis
340 stabilization services, and youth crisis stabilization services, and shall not require a
341 preauthorization before the administration of any such treatment; provided, however, that if a
342 patient is admitted to a facility, the facility shall notify the carrier of the admission and the initial
343 treatment plan within three business days of admission; and provided further that services
344 administered prior to notification must be covered. Notification shall be limited to patient's
345 name, facility name, time of admission, diagnosis, and initial treatment plan. Medical necessity

346 shall be determined by the treating clinician in consultation with the patient and noted in the
347 member's medical record.

348 SECTION 15. Section 4A of chapter 176B of the General Laws, as appearing in the 2022
349 Official Edition, is hereby amended by striking out the second paragraph of subsection (i) and
350 inserting in place thereof the following paragraph:-

351 For the purposes of this section, "licensed mental health professional" shall mean a
352 licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed
353 psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a
354 licensed nurse mental health clinical specialist; a licensed physician assistant who practices in
355 the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse
356 practitioner, other licensed master's level mental health clinician including but not limited to a
357 licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed
358 marriage and family therapist within the lawful scope of practice for such therapist; or a clinician
359 practicing under the supervision of a licensed professional, and working towards licensure, in a
360 clinic or hospital licensed under chapter 111.

361 SECTION 16. Section 4SS of chapter 176B of the General Laws, as so appearing, is
362 hereby amended by striking subsection (b) and inserting in place thereof the following
363 subsection:-

364 (b) A subscription certificate under an individual or group medical service agreement
365 delivered, issued or renewed within the commonwealth shall provide coverage for medically
366 necessary mental health services within an inpatient psychiatric facility, a community health
367 center, a community behavioral health center, a community mental health center, an outpatient

368 substance use disorder provider, a hospital outpatient department, a , community-based acute
369 treatment, an intensive community-based acute treatment, crisis stabilization services, and youth
370 crisis stabilization services, and shall not require a preauthorization before obtaining treatment;
371 provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of
372 the admission and the initial treatment plan within three business days of admission; and
373 provided further that services administered prior to notification must be covered. Notification
374 shall be limited to patient's name, facility name, time of admission, diagnosis, and initial
375 treatment plan. Medical necessity shall be determined by the treating clinician in consultation
376 with the patient and noted in the member's medical record.

377 SECTION 17. Section 4M of chapter 176G of the General Laws, as appearing in the
378 2022 Official Edition, is hereby amended by striking out the second paragraph of subsection (i)
379 and inserting in place thereof the following paragraph:-

380 For the purposes of this section, "licensed mental health professional" shall mean a
381 licensed physician who specializes in the practice of psychiatry or addiction medicine; a licensed
382 psychologist; a licensed independent clinical social worker; a licensed mental health counselor; a
383 licensed nurse mental health clinical specialist; a licensed physician assistant who practices in
384 the field of psychiatry or addiction medicine; a licensed psychiatric mental health nurse
385 practitioner, other licensed master's level mental health clinician including but not limited to a
386 licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J, or a licensed
387 marriage and family therapist within the lawful scope of practice for such therapist; or a clinician
388 practicing under the supervision of a licensed professional, and working towards licensure, in a
389 clinic or hospital licensed under chapter 111.

390 SECTION 18. Section 4KK of chapter 176G of the General Laws, as so appearing, is
391 hereby amended by striking subsection (b) and inserting in place thereof the following
392 subsection:-

393 An individual or group health maintenance contract that is issued or renewed within or
394 without the commonwealth shall provide coverage for medically necessary mental health
395 services within an inpatient psychiatric facility, a community health center, a community
396 behavioral health center, a community mental health center, an outpatient substance use disorder
397 provider, a hospital outpatient department, a community-based acute treatment, an intensive
398 community-based acute treatment, crisis stabilization services, and youth crisis stabilization
399 services, and shall not require a preauthorization before the administration of such treatment;
400 provided, however, that if a patient is admitted to a facility, the facility shall notify the carrier of
401 the admission and the initial treatment plan within three business days of admission; and
402 provided further that services administered prior to notification must be covered. Notification
403 shall be limited to patient's name, facility name, time of admission, diagnosis, and initial
404 treatment plan. Medical necessity shall be determined by the treating clinician in consultation
405 with the patient and noted in the member's medical record.

406 SECTION 19. Notwithstanding any general or special law to the contrary, the division of
407 insurance, in consultation with the division of medical assistance, shall promulgate regulations or
408 issue sub-regulatory guidance, within 30 days of the effective date of this act, to require carriers
409 reimburse acute care hospitals with emergency departments or satellite emergency facilities for
410 the provision of emergency behavioral health services, including but not limited to, behavioral
411 health crisis assessment, intervention, and stabilization services. The regulations or sub-
412 regulatory guidance shall include reimbursement for the provision of emergency behavioral

413 services via telemedicine, electronic or telephonic consultation, in accordance with section 51 ³/₄
414 of chapter 111 of the General Laws. The contractual rate for these services may be no less than
415 the prevailing MassHealth rate for behavioral health emergency department crisis evaluations.
416 This does not preclude a hospital from billing for other medically necessary services traditionally
417 reimbursed through an emergency department visit and is also in addition to required
418 reimbursement by carriers for each day a member waits in an emergency department,
419 observation unit or inpatient floor for placement in an appropriate inpatient psychiatric
420 placement, as required by section 78 of chapter 177 of the acts of 2022. The insurer shall
421 reimburse other medically necessary services and for patients awaiting an inpatient psychiatric
422 placement in addition to payment for emergency behavioral health services. Behavioral health
423 services provided in this setting under this section shall be deemed medically necessary and shall
424 not require prior authorization by an insurer.